

CITY OF SEDONA

CITY COUNCIL

RULES OF PROCEDURE

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“Are we holding the public servant to a different standard than those who are in business or marketing or sales or manufacturing? Yes, a different standard, a tougher standard, a higher standard. Is it fair? Of course it is fair. A public trust must be handled and must be managed by those who are motivated by the public interest. Those who hold the public trust must adhere to the highest ethical standards there are. The job requires it, and the public must demand it.” – BARBARA JORDAN-

Rule one of Sedona’s Rules of Procedure (Rules) document is designed to describe the manner in which council members should treat one another, city staff, constituents, and others with whom they come into contact with in representing the City of Sedona.

A. All Council Members:

All members of the City Council, including those serving as Mayor and Vice Mayor, have equal votes. All council members should be treated with equal respect.

B. All Council Members Should:

1. Fully participate in city council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
2. Be respectful of other people’s time. Stay focused and act efficiently during public meetings
3. Serve as a model of leadership and civility to the community
4. Inspire public confidence in Sedona government
5. Demonstrate honesty and integrity in every action and statement
6. Participate in scheduled activities to increase team effectiveness
7. Be on time for Council meetings

C. In Public Meetings - All Council Members Should:

1. Use formal titles, in formal settings
2. Practice civility and decorum in discussions and debate
3. Honor the role of the Mayor in maintaining order

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4. Not dominate the discussion
5. Avoid personal attacks on other Council members
6. Demonstrate effective problem solving approaches
7. Be polite to speakers and treat them with respect
8. Actively listen when others speak
9. Avoid debate and argument with the public
10. Turn off all cell phones and pagers in all Regular City Council meetings, Special City Council meetings, and Work Sessions. If an imminent emergency or serious family matter is anticipated, set on vibrate.
11. Adhere to all of the Council Meeting Time Management guidelines (See appendix A to Rule 1)

D. In Private Encounters/Unofficial Settings - All Council Members Should:

1. Continue respectful behavior in private
2. Be aware that private conversations can have a public presence
3. Make no promises on behalf of the city council
4. Make no personal comments about other council members
5. Remember Sedona is a small town at heart

E. City Conduct With City Staff - All Council Members Should:

1. Treat all staff as professionals
2. Never publicly criticize an individual employee

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3. Do not disrupt city staff from their jobs. Council members should not disrupt city staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met
4. Not get involved in administrative functions. Council members must not attempt to unduly influence city staff on the making of appointments, awarding of contracts, selecting consultants, processing of development applications, or granting city licenses and permits. However, this does not preclude City Council from being involved in such decisions when they are a part of a committee that has been formed for the purpose of recommending the selection of a professional firm or recommending the hiring of a key staff member. In being part of that committee it is understood that they will be impartial and make their recommendation based on the merits of the applicants and will recuse themselves from the process if there is a conflict of interest.
5. Upon receipt of a citizens complaint, the Mayor may refer the complaint to the City Manager for review and response. When responding to correspondence that has been directed to the entire City Council, individual City Council members may respond. Before responding, council members should check with the Mayor or City Manager to see if any action has already been taken on the issue. In such cases, copies of any response should be provided to other council members, the City Manager, and the City Clerk.

Council members should also qualify any response they make which contains their personal opinions as opposed to any official position of the city.

APPENDIX A TO CITY OF SEDONA COUNCIL CODE OF CONDUCT

Council Meeting Time Management Guidelines

General

1. The Mayor may remind Councilors of these guidelines during a meeting.
2. Councilors are encouraged to read the packet ahead of time and submit questions to staff by the Monday of Council week.
3. As much as possible each Councilor should be given the opportunity to speak before a Councilor speaks a second time.

Time Monitoring

1. It is not necessary to speak on every issue. When you do speak, do not ask questions that have already been answered, do not repeat information, make your point as quickly as possible, and be mindful of the time you take.
2. The Mayor may interrupt a Councilor if s/he is repetitious or not on topic.
3. The Mayor may remind the Council about time.
4. The Mayor may limit discussion when it appears that statements are redundant and that the time has come to vote.

Agendas

5. Agendas may include a recommended time limit next to each item. The Mayor may remind Councilors when the time limit is being approached.
6. Avoid agendizing items that could be handled administratively.
7. Establish a formal policy to delay less time-sensitive items to a later meeting when “heavy duty” issues are on the agenda.

Public Input and Presentations

8. Presentations and reports shall include detailed, written materials in the Council’s packet. Speakers shall present the key points only and not read what the Council has in their packet.
 - a. 5 minutes maximum for non-City presentations, e.g. Friends of the Forest, Education Tax Credit
 - b. 5 to 7 minutes for City-related reports, e.g. update on a project
9. The Mayor may manage public input by telling the public:
 - a. to not repeat what previous speakers have said on the issue.
 - b. that if they have nothing new to add to what other speakers have said, then to simply indicate they are for or against the item.
 - c. to stand on deck to save time.

RULE 1

RULES OF PROCEDURE

A. Purpose:

1. The purpose, of these Rules, is to provide standard methods and general policy guidelines for the City Council to use when conducting business with City staff, the general public, and its own members. Words of the masculine gender in this document include the feminine. These Rules should be read and interpreted to be in harmony with the provisions of the Sedona City Code and State and Federal law. However, in every case where a conflict of interpretation may arise, the City Code and State and Federal law will control. These Rules shall be in effect upon their adoption by the Council by motion until such time as they may be amended.
2. Where the term mayor is used throughout this document, it shall be deemed to include, when appropriate, the vice mayor or other designated persons acting in the capacity of mayor.

B. Procedure for Initiating or Amending Rules:

Any council member may propose a new or amended Rule. To do so, the following procedure shall be followed:

1. Present the new or amended Rule(s) in draft, written form to the City Clerk.
2. The proposed draft will be submitted to the City Attorney for review before its released.
3. The City Council will discuss or take action on the proposed or amended Rule(s) at a regularly scheduled Council meeting.
4. Suspension of these Rules:
Any provision of these rules not governed by ordinances or the City Code may be temporarily suspended, for that meeting, by a majority vote of those eligible to vote. The vote on any suspension shall be taken by "ayes" and "nays" and entered upon the record.
5. Amendment of these Rules:
These rules may be amended, or new rules adopted, by a majority vote of all members of the Council in accordance with the procedures outlined in Rule 2, Paragraph B.

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C. Master File of Originals:

The Clerk will maintain a Master File of all Rules contained herein and any amendments thereto.

D. Reference Manual – Rules of Procedure:

A reference manual, containing these Rules will be kept in loose-leaf form in the City Hall for City Staff and public use.

E. Council members' Rules of Procedure Manuals:

All new and amended Rules will be issued to each Council member. The Rules will be issued in loose-leaf form, and each council member is responsible for keeping his manual current.

RULE 2

MEETINGS

A. General Rules Concerning Meetings:

1. Meetings and Minutes to be public:

All meetings of the Council shall be open to the public, except that upon approval of a majority vote of the Council, the Council may meet in an executive session in a manner pursuant to the requirements of state law. Minutes of all open meetings shall be available for inspection by the public.

2. Regular Meetings:

The Council shall meet on the second and fourth Tuesday of each month at 6:00 p.m. except for the fourth Tuesday in August and December.

If the regular meeting falls upon a legal holiday, then the Council shall meet at the regular time on the next succeeding day not a holiday.

All regular meetings of the Council shall be held at the City Hall or such place as determined by the Mayor and as designated in the meeting notice.

A regular meeting may be canceled due to a lack of a quorum; in such a case, the reason for such cancellation shall be conveyed to the Council and the public.

3. Special Meetings:

The Mayor, upon his own initiative, or the Clerk, upon the written request of three (3) members of the Council, may convene the Council at any time by notifying the members of the date, hour, place, and purpose of the special meeting. Notice of the meeting must be made pursuant to state law.

4. Work Sessions:

The Council may meet in work sessions at the call of the Mayor or any three (3) members of the Council on the second and fourth Wednesday of each month at 5:30 p.m. except the 4th Wednesday in August, November, and December. Work sessions are open to the public and are designed to allow the council to obtain detailed information and public input, in accordance with Section D.2., on issues of major significance so any final decision made at the regular council meeting may be expedited. No official action may be taken at a work session unless so stated on the agenda for that meeting.

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5. Executive Session:

The Council may meet in executive session pursuant to the requirements of ARS §38-431 et seq. The Council may vote to go into Executive Session, pursuant to ARS §38-431.03A(3), for discussion and consultation for legal advice with the City Attorney on the matter(s) set forth in the agenda item, or for other purposes as set forth in A.R.S. §38-431.03.

The only persons allowed to attend the executive sessions are members of the Council and those employees and agents whose presence is reasonably necessary in order for the public body to carry out its executive session responsibilities. Upon reconvening in public session, following an executive session, the Council may take formal action on matters considered in that executive session.

6. Council Meeting; Quorum: A vote of a majority of the quorum of those present is required in order to take official action.

B. Procedures Concerning Meetings:

1. Rules of Order:

Robert's Rules of Order Revised shall govern the proceedings of the Council unless otherwise specified.

a. When an amendment to a motion or an amendment to an amendment is made, it is not necessary for a second to be made and a vote taken on such an amendment if the maker and the second of the motion or of the original amendment, as the case may be, agree to and accept such amendment. If there is no agreement and acceptance then the amendment process shall be prescribed in Robert's Rules of Order Revised.

b. No further discussion will be allowed after a motion has been voted on, unless there is a motion to reconsider.

2. Right of Floor:

Any Council member desiring to speak shall be recognized by the Mayor and shall confine his remarks to the subject under consideration.

When more than one member seeks the floor, the Mayor shall first recognize the member who has not yet commented on the item under discussion. If all who seek recognition have already spoken, he shall recognize that member who, in his judgment has had the least opportunity to be heard.

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Council members shall not interrupt or otherwise comment on another speaker's remarks without first being recognized by the Mayor unless rising to a Point of Order.

3. Attendance by Staff:

The City Manager, City Attorney or Assistant City Attorney, and the City Clerk shall attend all regular meetings of the Council unless excused by the Mayor. The City Manager may make recommendations to the Council and shall have the right to take part in all discussions of the Council. If the City Clerk is excused from an executive session, an alternate clerk will be appointed. The City Clerk shall keep the official minutes and perform such other duties as may be required by the Council. The attendance of other staff members will be as directed by the City Manager. Notwithstanding the above, the City Attorney and City Manager need not attend City Council meetings wherein the only business transacted concerns interviews for Commission or Committee positions. In addition, neither the City Manager or City Attorney need attend annual Council evaluations outside of their own evaluation.

4. Recording Votes:

On all voting matters, if the vote is other than unanimous, the Mayor shall state for the record, and the Clerk shall have recorded in the minutes, all yea and nay votes. In the case of a tie vote on any motion, the motion shall be considered lost. A roll-call vote shall be taken upon the request of any Council member.

If the Mayor calls out a vote count and a council member believes the vote count is incorrect, they must ask for a roll call at the time of the vote. Once announced, the vote total is final. If a Council Member wishes to abstain from voting, that member must do so prior to the issue being discussed and explain the abstention.

5. Minutes of the Meetings:

Minutes of all open meetings of the Council shall be kept by the Clerk and shall be entered in a book constituting the official record of the Council.

Appropriate technology recordings of all open Council meetings shall be retained for a minimum of three years and may within the clerk's discretion be retained for a longer period after the minute summary is transcribed and approved.

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If a person needs to refer to the details of a discussion, he should refer to the meeting's tape recording, in accordance with paragraph (13) of this Rule. The City Clerk will exercise his best discretion, in accordance with appropriate minute taking procedures, to assure that the substance of the meeting is recorded accurately and that the name of each person speaking is recorded.

If a member of the Council or the public presents written material they wish to have included in the official record of the meeting, this will be done. The material will be attached to the original minutes that will be kept on permanent file in the Clerk's office. Copies will not be included with the minutes that are distributed. Copies of attachments will be made available to council members upon request.

The City Clerk will tape record Executive sessions and transcribed minutes will be prepared in typewritten form. The tapes and minutes will be maintained in accordance with ARS Section 38-431.03, and shall be kept confidential. If the city clerk cannot attend an Executive session due to a conflict of interest, the minutes and tapes for those executive sessions shall be retained in the City Manager's Office until the conflict has been resolved.

6. Reading of Minutes:
Minutes will not be read unless requested by a quorum of Council members. Copies of the minutes shall be distributed to Council members upon request. A master copy of the minutes are available for review in the City Clerk's Office, prior to the meeting at which they are to be approved.

7. Corrections to Council Minutes:
If a Council member has corrections, other than substance, such as spelling or punctuation, he may call them into the City Clerk or present them in writing before the next meeting and they will be corrected accordingly.

All corrections that have been approved by the Council at a Council meeting will be made to the original minutes in question before the City Clerk signs the certification form.

8. Ordinances: Confined to One Subject: Exceptions:
No ordinance, except an appropriation ordinance, an ordinance adopting or embodying an administrative or governmental code or an ordinance adopting a

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code of ordinances, shall relate to more than one subject, which shall be clearly stated in its title.

9. Appropriate Technology of Meetings:

Council members have the right, if they wish verbatim portions of a particular meeting, to use copies of the official media to obtain this information for themselves. An appointment shall be made for the appropriate media use. (If a Council member requests the City Clerk to perform this task, it will be done when the Clerk can judiciously do it without impeding the City Clerk's official daily work.) Master recordings shall not be removed and must physically remain in the possession of the City Clerk's office.

10. Conflicts of Interest:

Each Council member has responsibility for compliance with the provisions of ARS Chapter 38, Art. 3, concerning conflicts of interest. When a Council member recognizes a conflict of interest, the member shall announce the conflict and refrain from discussion and voting on the matter, and shall leave the dais.

C. Order of Business:

1. Generally:

The general rule as to the order of business in regular meetings may be as follows:

- a. Call to Order/Pledge of Allegiance
- b. Reading of the City's Vision Statement
- c. Roll Call
- d. Summary of Current Events by mayor/Council/City Manager
- e. Public Forum
- f. Consent items
- g. Specifically scheduled items of business for discussion and possible action
- h. Discussion/possible action on future agenda items/meeting dates. By a majority vote, Council may identify agenda items that need to be added to specific future council meetings
- i. Possible Executive Session items
- j. Return to open session
- k. Adjournment

2. Reports from Council members concerning meetings attended:

If a council member wished to speak about a current event, he may do so during the "summary of current events by Mayor/Council/City Manager. If a council

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member wishes to submit a report regarding committee meetings he has attended and the report requires feed back or discussion, the report must be agendized and submitted in writing to the city clerk. The council member can give a very brief report at the council meeting for which it is agendized and the city clerk will include the written report with the council minutes. When attending a meeting of another public body, council members should express only personal opinions, unless otherwise directed by the City Council.

3. Consent Items:

Many items of business require action by the Council, but are of a routine and non-controversial nature. In order to expedite the public business and provide time for deliberation of non-routine matters, a Consent Items Section shall be used as follows:

- a. When any item of business requires action by the Council, but is routine, such item may be presented as part of the Consent Items Section.
- b. Proclamations will be placed on the agenda by any member of the City Council in accordance with the procedure set forth in Paragraph 3 of this Rule.
- c. If any member of the Council, city staff, or the public requests that an item be removed from the Consent Items, it shall be done forthwith. All such items shall be considered individually and acted upon with a motion, in the order in which they appeared on the agenda, following consideration of the Consent Items. Whenever possible, Council members should attempt to notify the city manager, in advance of the meeting, their intent to remove any item from the consent agenda.
- d. Following the removal of items from the Consent Items Section, there shall be no debate or discussion by any member of the Council regarding any items remaining on the Consent Items Section beyond asking questions for simple clarification.
- e. The Consent Items shall be introduced by a motion “to approve the Consent Items” and shall be considered by the Council as a single item.

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- f. The motion to approve the Consent Items shall be equivalent to approval, adoption or enactment of each motion, resolution, or other item of business exactly as if each has been acted upon individually. The motion of approval is only for those items that have not been removed from the Consent Items Section.
 - 4. Summary of Current Events:
This portion of the agenda should be confined to items such as past meeting reports or upcoming events of interest to council members and the public. It should not be used to state a position or deal with an issue. Such items should be agendized for future meetings.
 - 5. Commission Annual Meeting and Written Reports:
The City Council will meet individually with each Commission in the Fall, for a directional meeting. Each commission chair is required to submit, on a scheduled, semi-annual basis, a two page written status report summarizing accomplishments and major issues for his commission. The Council liaison, for each commission, may at his discretion, bring back to the Council a request for an additional Council meeting if it appears to be warranted.
- D. Time Limitations Regarding Public Participation:**
- 1. Public Forum:
Normally, during the “Public Forum”, each member of the public will be limited to three minutes. If at the expiration of three minutes, a request for additional time is made and there is a mutual consensus among the Council for granting the extension of time, the Mayor may so allow. However, any council member objecting to the granting of additional time, may call for a formal vote on the issue. During an open call to the public, individual council members may respond to criticism made by those who have addressed the public body, may ask staff to review a matter, or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters were properly noticed for discussion and legal action.
 - 2. Public Input Concerning Agenda Items:
During the “Agendized Portion” of the meeting, each member of the public will be limited to three minutes, unless granted additional time by mutual consent of the Council. In the event a council member verbally objects, a vote will be taken.

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Individuals opposed to or supporting an agenda item will be recognized by the Mayor and must state his name and city of residence or county, then indicate his support or opposition. In the interest of time, the Mayor may request that he does not repeat statements presented by a previous speaker. If the person does not wish to speak, the person can state his name and position. The Mayor will then re-state the person's name and position for the record.

In all cases, a majority of the Council may grant the speaker additional time if the Council feels it is appropriate.

3. Planning and Zoning Appeals:

If the item before the City Council concerns an appeal of a planning and zoning issue the appealing party and the party defending the prior decision will each be given ten (10) minutes to present their position and respond to questions from the Council. The Council will then allow public comment as time permits and in accordance with the three-minute rule governing such comment and will attempt to give an equally proportionate number of persons on each side of the issue an opportunity to speak. Following the public comment period, the appealing and defending party will have five (5) minutes for rebuttal. The Council will then deliberate and reach a decision on the appeal.

- a. After an appeal has been filed in a matter where the Council is acting in a quasi-judicial capacity, and during the pendency of an appeal before the City Council, a member of the City Council may not communicate directly or indirectly with any party or person about any issue of fact or law regarding the appeal, except at a meeting of the Council.
- b. Notwithstanding Section a above, no decision or action of the City Council shall be invalid due to ex parte contact or bias resulting from ex parte contact with a member of the decision-making body, if the member of the decision making body receiving the contact:
 - 1) Places on the record the substance of any written or oral ex parte communications concerning the decision or action; and
 - 2) Notice is given before or at the hearing of the parties' right to rebut the substance of the communication.

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E. Agendas:

1. Determination of specific items to be included:

Council members, the City Manager and Department Heads shall, and the general public may, have items placed on the agenda. The general public may have items placed on the agenda only through a Council member.

The City Council may, by majority vote, identify items to be added to the agenda of a specified future council meeting.

Items submitted for consideration as possible agenda items, shall be presented to the City Manager and City Clerk under cover of a transmittal form, "Request for a City Council Agenda Item", by noon on the Thursday, three weeks prior to the regular city council meeting date, by 5 p.m.

The City Manager shall meet with the Mayor, Vice Mayor, City Attorney, and City Clerk prior to the regular meeting, to select, discuss and prioritize the tentative agenda items and decide their placement on future agendas. Tentative copies of the next meeting's agendas, along with all the available information pertaining thereto, will be placed in the council members' boxes by 5:00 p.m. on Wednesday of the week prior to the meeting date.

Only in extraordinary circumstances and after approval of the Mayor should any additional agenda items be added to the city council packet after its distribution.

Once council members receive and review their meeting packets, any typographical or housekeeping errors in ordinances/resolutions under consideration should be presented in writing to the Clerk before the meeting at which they are considered and the necessary changes will be made by the clerk for consideration by the Council at the council meeting.

2. Posting of Agendas:

All agendas for regular meetings shall be posted in three (3) official public places as well as the City's Web site. All agendas will be publicized in the local newspaper on the Friday prior to the scheduled meetings. Agendas published in the newspaper will be marked "tentative", and will have the following disclaimer "This is an unofficial tentative agenda and is subject to change until 24 hours before the actual meeting. To review the final agenda(s), please consult with officially posted

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agenda(s) within 24 hours of the meeting time.” Agendas will be posted by Friday, but in no case (other than an emergency meeting) later than twenty-four (24) hours prior to the meeting.

F. Reconsideration of Issues:

1. The following rules will govern any matter coming up for reconsideration after it has been acted upon by the Council.
 - a. After a matter has been voted upon by the entire Council, any council member, who voted in the majority, may, within seven (7) days, request that the City manager place the issue of reconsideration on the next regular council meeting agenda.
 - b. At any time after sixty (60) days that an issue was acted upon, any council member may request that the item be placed on the council agenda. Then, in accordance with Paragraph 2 of this Rule, the matter will be placed on a future council agenda.
2. Notwithstanding the provisions of Section 1, certain issues may or may not be subject to reconsideration depending on whether or not reconsideration would create a potential claim of equitable estoppel against the City. Examples of matters that could potentially give rise to such a claim include, but are not limited to:
 - a. Reconsideration of decisions involving the rezoning of property, where a previously made decision has created vested rights in favor of the property owner.
 - b. Reconsideration of bid awards, where an awardee has reasonable relied on a previous Council decision and has committed money and or resources to the project.
3. The City Attorney will review any request for reconsideration to determine whether or not it creates a potential legal liability for the City and will advise the entire City Council either by way of privileged written communication or in executive session.

RULE 3

MAYOR & DUTIES

A. **Preservation of order:**

The Mayor shall preserve order and decorum, decide all questions of order, prevent intrusion upon personalities or the impugning of members' motives, confine members in debate to the question under discussion, and conduct the meetings in accordance with parliamentary rules contained in Robert's Rules of Order (Revised). These Rules shall prevail in cases of conflict with Robert's Rules of Order.

B. **Questions to be stated:**

The Mayor shall state all questions submitted for a vote and announce the results.

The recording of votes shall be in accordance with Rule 3, Paragraph 4.

C. **Mayor – Voting:**

The Mayor shall vote as a member of the Council.

RULE 4

CREATION OF COMMITTEES, BOARDS & COMMISSIONS

A. Committees, Boards and Commissions:

The Council may create Committees, Boards, and Commissions to assist in the conduct of the operation of the City government with such duties as the Council may specify which are not inconsistent with the City Code. No member of the City Council including the mayor shall be allowed to independently form a committee, subcommittee, task force, or other body however designated, without the prior approval of the City Council.

B. Membership and Selection of Commission or Board Members:

1. Individuals applying for a Board, or Commission must fill out and submit the City application form by the established deadline.
2. Council members will be provided a copy of all applications received.
3. In the interest of time, the Council Liaison, the Mayor, and the Chair (or Vice Chair if the Chair is applying for reappointment) will interview applicants for commission seats.
4. The Council Liaison, the Mayor, and the Chair will forward a recommendation for appointment to the Council.
5. The recommendation will be placed on the Consent Agenda for the Council approval.
6. If a Council Member pulls it from the consent agenda, it can be placed on a future regular agenda or the Council can re-interview specific candidates for the opening.
7. Any Committee, Board, or Commission created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the Council.

C. Membership and Selection of Council Committee Members

1. Council committees may be formed and members appointed at the discretion of the Council or in the manner in which Boards and Commissions are formed.
2. Committees created through Council action are subject to the open meeting laws.
3. No committee so appointed shall have powers other than advisory to the Council except as otherwise specified by ordinance, the City Code, or State Statute.

D. Residency Requirements

1. Planning and Zoning Commission, Board of Adjustment, and Personnel Board members shall be residents of the City of Sedona. The Parks and Recreation, Arts and Culture, Historical Preservation, and Housing Commissions and any committees they may appoint, may have a maximum of two members each who are not residents of the City of Sedona, but only if they have a direct connection to the City corporation limits, including but not limited to situations such as being an employee within the City limits or owning a business within the City limits.

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CREATION OF COMMITTEES, BOARDS AND COMMISSIONS

2. Special, single issue, committees set up by the city council shall be comprised primarily of City residents, but may have up to two non-resident members, but only if they have a direct connection to the City corporate limits such as being an employee within the City limits or owning a business within the City limits.
3. The Youth Commission residency requirements will remain consistent with the establishment of the Youth Commission as provided in the City Code.
4. Effective as of and after any existing term of office, the chairperson must reside within the City limits.

E. Removal of Members of Committees, Boards & Commissions

The Council may remove any member of any Committee, Board or Commission by a majority vote of the Council, or as otherwise provided by ordinance or City Code.

F. Inappropriate Action/Behavior Of Board, Committee, Or Commission Members

1. Any committee, board, or commission member may not use city staff or letterhead to support personal or non-city functions or fundraisers without first obtaining the permission of the city council.
2. Members of any board, committee, or commission shall not use their official office as a means of advancing personal opinions through public statements whereby an inference can be drawn that they are speaking on behalf of the city. Any such public statements shall contain clear language indicating that such statements are the opinions and comments of the individual and are not necessarily the position of the City of Sedona.

G. Attendance at Council Meetings or other Commission or Committee Meetings

In order to insure that Open Meeting Laws are complied with, the following procedures will govern the attendance of council or commission meetings other than meetings of the body that the public official serves on.

1. If a matter is placed on a council or commission agenda which reasonably concerns an issue that will be of obvious interest or importance to the members of another commission, the appropriate staff member will note on the meeting agenda that a quorum of members of that interested commission may be in attendance.

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CREATION OF COMMITTEES, BOARDS & COMMISSIONS

2. All commission members planning on attending a meeting of the City Council or another commission will give 36 hours notice of their intent to do so to the appropriate staff member responsible for preparing and posting the agenda.
3. If, despite the precautions taken in paragraphs 1 and 2 above, a quorum of Commission or council members appear at a public meeting, and there is no indication in the meeting agenda of their intent to appear, the fourth member and any subsequent members appearing at the meeting will voluntarily absent themselves from the meeting in order to insure that Open Meeting laws are complied with. In addition, other council or commission members remaining in attendance will limit their participation to merely listening to the proceedings of the meeting. The Chairman over the meeting will not allow the meeting to continue until he is assured that there is not a quorum of other commission members present.

RULE 5

CITIZENS' INTERACTION

A. Addressing the Council:

1. When recognized by the Mayor, anyone may address the council on any subject not on the agenda during the "Public Forum" portion of the meeting. There shall be no Council discussion of such unagendized issues, other than to refer the matter to staff, respond to criticism, or have the matter placed on a future agenda.
2. To speak on specific agenda items at other times throughout the meeting, a member of the public must fill out a "citizen information card" and present it to the city clerk before or during the time that agenda item is discussed. The person must fill out his name, physical address, phone number, the agenda item he wishes to address, and the name of the group he represents, if any..
3. Oral or written remarks are limited to three minutes, although additional time may be granted by a majority vote of the city council. (See Rule 3, Item D concerning additional time for spokespersons).
4. No person, other than members of the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members of the Council.

B. Personal and Slanderous Remarks:

Any person making personal, impertinent or slanderous remarks, or who shall become boisterous, while attending a Council meeting may be requested to leave the meeting and may be forthwith barred, by the Mayor, from further audience before the Council for that particular meeting.

C. Response to Citizens' Complaints:

Upon receipt of a citizen's complaint, the Mayor may refer the complaint to the appropriate city staff member for review and response in accordance with the provisions of Rule 1, E(5).

D. Written Communications:

Interested parties or their authorized representatives may address the Council, in writing, regarding any matter concerning business over which the Council has control.

RULE 6

PROCEDURE FOR COUNCIL REPRESENTATIVES AND CITY MANAGER (OR HIS DESIGNEE) TO PROVIDE INPUT TO REGIONAL BOARDS AND COMMITTEES

- A. After appointment, by the City Council, to a regional board or committee, a Council representative may submit a report to Council, City Manager and City Engineer (or appropriate department) identifying those issues which are believed to be significant matters.
- B. Upon the request of the council representative, issues may be agendized for Council consideration before the next regional meeting so the representative may receive instruction and direction from the Council. Staff may also participate in and make a recommendation to the Council.
- C. The City Council will deliberate and indicate by motion, the instruction and direction which the representative is to present in representing the city before regional bodies and committees.
- D. If a city council person appears before any federal, state, regional, county or other governing body, board or committee, and has not received any direction from the city council as a whole, concerning matters which are being discussed, any comments or statements made by said council person should be explicitly stated that said council person is speaking only as an individual and that his or her comments should not be construed as representing the views of the city of Sedona or the Sedona city council.
- E. Where time constraints require immediate input on behalf of the City, and where the Council Representative has a substantial good-faith basis for assuming that there would be strong council support and there is support for the particular issue in the Community Plan and/or Strategic Plan, the Council Representative may proffer a tentative City position and shall thereafter given written notice to other council members, in writing, of the position taken.

RULE 7

LIQUOR LICENSE APPLICATIONS

A. Effect of Council Action

As set forth in A.R.S. §4-201, the Council Council's approval of an application for a permanent liquor license has the effect of eliminating the necessity of a State Liquor Board hearing on the application before granting the license. In contrast, with regard to applications for a special event liquor license, the provisions of A.R.S. §203.02 make City Council approval a necessary prerequisite to obtaining a special event liquor license.

B. Transfers.

A simple transfer of a license on the same premises to a new owner, or to another location by the same owner, shall be approved as part of the consent item unless the staff or police report suggests reason to the contrary. In this case, the issue shall be removed from the Consent Items Section for separate action by Council.

C. Application Review.

In order to protect private information such as personal addresses, social security numbers, birth dates and phone numbers of private persons, such information shall be redacted from copies of any license application which are inserted into the Council packet or are made available to members of the public.

D. Temporary or special event permits.

1. Temporary or special event permits are placed on the consent agenda; however, because of its responsibility for approving these types of applications, the City Council may, at its discretion, pull a permit from the consent agenda to give it full review, discussion and action in public session.
2. Such a permit may be denied to any applicant (after applicant has had opportunity to be heard) in the same year as a violation has occurred, or until conditions relevant to such violation have been corrected, or for other cause which may be determined.
3. The City Council shall adopt written standards for approval or denial of such applications, and shall administer those standards fairly and equally to all applicants. (See Attached Addendum 1)

E. Combinations.

The City Council shall adopt a procedure pertinent to the combination of Special Event liquor permits with Conditional Use Permits or Temporary Use Permits. Such procedure shall specify the roles of Staff, Commission, and Council.

RULE 8

ELECTRONIC MAIL (E-MAIL) and INTERNET POLICY

I. COUNCIL - SPECIFIC PROVISIONS:

City Council members may communicate with each other via e-mail concerning City business under the following conditions:

- A. E-mail communications between City Council members concerning City business or City related issues are considered public records. In order to preserve the communication, the originating party will send a corresponding copy of the e-mail communication to the City Clerk if not generated through the city's email system at CCARC. The City Clerk will preserve the communication and make it available for public inspection.
- B. E-mail cannot be used as a means of discussion of City business between all or a quorum of members of the City Council.
- C. E-mail cannot be used as a means of taking straw polls on City issues.
- D. E-mail cannot be used to facilitate a form of "hub and spoke" communication whereby one Council member acts as a go-between disseminating communications between other City Council members.
- E. In summary, communication by e-mail cannot be used as a means of circumventing the open meeting laws.
- F. A City Council member may use e-mail to distribute informational material to all other City Council members. However, such distribution should not be made with the intent to initiate responses from other City Council members. Any discussion of such informational communication should be reserved for public City Council meetings. E-mail of informational material should be preserved in the manner provided in paragraph 1 above.
- G. E-mail communication to or from the City Attorney concerning pending litigation, or legal advice should contain a warning in the Subject heading stating: "Confidential Attorney-client privileged". A corresponding copy of the e-mail should also be sent to the City Clerk direct e-mail address. The Clerk will make a hard copy of the e-mail and

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ELECTRONIC MAIL (E-MAIL) and INTERNET POLICY

maintain it in a confidential non-public file. Such communications should also contain the following boilerplate at the end of the communication:

The information contained in this message is attorney/client privileged and/or confidential information intended only for the use of the individual or individuals named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or printing of this communication is strictly prohibited. If you have received this message in error, please notify us immediately by telephone at 928-204-7200 (or by reply e-mail) and delete this message. Thank you

II. CITY WIDE E-MAIL/INTERNET POLICY

A. PURPOSE

1. This policy sets forth the parameters for the proper use, preservation, disclosure and disposition of electronic mail (e-mail). It also establishes appropriate standards for use of the Internet within the City.
2. This policy applies to all employees and public officials including City Council members and members of City committees or commissions who access e-mail or the internet through the City computer network, either by way of a City computer or through a remote connection to the City computer network.
3. E-mail is a communications tool that, when made available to City employees, is provided for performance of their duties. E-mail is to be used for official business purposes. Personal messages shall be kept to a minimum. No solicitations shall be conducted through e-mail.
4. The City's connection to the Internet exists to facilitate the official work of City staff members. The Internet facilities and services are provided for staff members for the efficient exchange of information and the completion of assigned responsibilities.
5. Employees shall not be granted access to the e-mail system until they have read this policy and signed and have returned the Policy Consent Form to Human Resources.

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ELECTRONIC MAIL (E-MAIL) AND INTERNET POLICY

B. GENERAL POLICY STATEMENT FOR E-MAIL

1. The City of Sedona maintains an electronic mail system in order to facilitate expeditious communication among City employees, public officers, citizens and persons or companies doing business with the City. The contents of all electronic mail messages composed, sent or received on the City electronic mail system are the intellectual property of the City of Sedona, and are not the private property of any employee or public official. The use of the e-mail system is a privilege; therefore, acceptable use of the e-mail system is based on good judgment and common sense. Employee e-mail accounts are not to be used as the sole or primary e-mail address for personal correspondence.
2. The confidentiality of any e-mail message should not be assumed. Even when a message is deleted, it may still be possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality. The City reserves the right to review, audit, intercept, access and disclose all e-mail messages created, received, or sent over the City's electronic mail system. Except as noted in Par. A(3) below, the contents of electronic mail may be disclosed without the notice or permission of the sender. Notwithstanding the City's right to retrieve and read any electronic mail messages, such messages shall be treated as confidential by other employees and public officers and shall be accessed only by the intended recipient. No electronic messages may be monitored, reviewed, audited, intercepted, accessed, or disclosed without the authorization of the City Manager.
3. No electronic messages created, received or sent over the electronic mail system by any employee or agent of the Sedona City Attorney's office may be monitored, reviewed, audited, intercepted accessed or disclosed without the prior written authorization of the Sedona City Attorney. This policy complies, in all respects, with the provisions of the Rules of the Supreme Court, Rule 42, Professional Conduct, including, but not limited to the provisions of ER 1.6, Confidentiality of Information.
4. The City Clerk's Office is responsible for creating and distributing the e-mail records policy, in accordance with State Statute and City requirements.

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ELECTRONIC MAIL (E-MAIL) AND INTERNET POLICY

C. DEFINITIONS

1. Electronic Mail (e-mail): is any transmission of messages, including attachments and imbedded objects, through the City's computer information network by electronic means.
2. Public Record: For purposes of this policy, means any e-mail communication made or received by any City employee or public officer in pursuance of law or in connection with the transaction of public business including, but not limited to communications that concern the City's organization, functions, policies, decisions, procedures, operations or other activities or which are of informational or historical value. Few records in the possession or control of an employee or public officer will not be considered "Public Records." Exceptions include routine e-mail communications of a personal nature, spam, or communications containing information that is not related in any way to City business.
3. Routine E-mail Communications include communications that are routine in nature such as those used to schedule meetings or conference calls, notices of vacations, times away from the office etc., and which have little relevance in terms of recording official actions or decisions made by City staff or public officials.

D. SECURITY, PRIVACY, AND OWNERSHIP ISSUES

1. E-mail is not secure. E-mail transmitted inside the City is more secure than e-mail transmitted via the Internet. If additional security is needed for sensitive information, such as for health records information, then additional security measures, such as encrypted e-mail messages, must be taken to secure the contents of the message or another form of communication should be used.
2. Employees using e-mail shall have no expectation of privacy related to the use of this technology. E-mail may be a public record subject to disclosure under the Arizona Public Records Law (Arizona Revised Statutes (A.R.S.) §39-121). Confidential messages should never be sent electronically for two reasons:
 - a. Messages may be sent to the wrong addressee.
 - b. E-mail should always be used with the assumption that messages will be

read by someone other than the intended recipient.

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ELECTRONIC MAIL (E-MAIL) AND INTERNET POLICY

3. E-mail is an information technology/computer service and is the property of the City. All messages created in the system belong to the City, not employees, vendors or customers. The City reserves the right to monitor e-mail use by any user at any time.

E. GUIDELINES FOR USING E-MAIL

1. E-mail shall be used primarily for official business purposes.
2. All City e-mail addresses should not be used on any non-official business related website form.
3. E-mail communications shall be professional in content, and consistent with City policies and procedures.
4. When communicating with the City Attorney about a legal issue, always insert the phrase "Attorney-Client Privileged" in the subject line.
5. City work rules governing use of City property, record keeping and communications with others apply to the use of e-mail. Employees should never send an e-mail communication they would not feel comfortable communicating face-to-face or over the phone.
6. No e-mail communications shall be created or sent that might constitute discriminatory, harassing, intimidating, hostile or offensive communications on the basis of gender, race, color, national origin, sexual orientation, disability, or other grounds.
7. Employees shall not read the e-mail of another employee without a legitimate business purpose consistent with the City's policies and business communications practice.
8. No employee shall send e-mail under another person's name without that person's authorization, and the sender shall indicate his or her identity in the message.
9. Examples of unacceptable use:

- a. E-mail shall not be used for personal business beyond that allowed in Par. 9 below, or for personal gain.

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- b. E-mail shall not be used for soliciting or for issuing or forwarding serial or “chain mail”-type messages or advertisements of any commercial nature..
 - c. E-mail shall not be used for soliciting or recruiting membership for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.
 - d. E-mail shall not be used for creating any offensive or disruptive messages which contain sexual implications or comments that offensively address race, color, religion, gender, national origin, ancestry, marital status, sexual orientation, age, physical or mental disability, medical condition or veteran status, or are otherwise considered unethical, illegal, unprofessional or disruptive.
 - e. E-mail shall not be used for any activity that would jeopardize the legitimate interests of the City or the citizens of the City of Sedona.
10. In addition to the use of electronic mail in the performance of their job duties, employees may make limited personal use of electronic mail in circumstances similar to those appropriate for personal phone communication such as the following:
- a. Scheduling of personal appointments as an effective extension of ones overall time management, i.e. lunches, meetings, medical appointments, etc.
 - b. Sharing of event-driven information and planning of work-related social events where the intent is to enhance employee morale, i.e. birthdays, marriages, birth announcements, etc.
 - c. Limited personal use in corresponding to associates or family members during allowed break or lunch time.

F. E-MAIL RECORDS RETENTION AND DISPOSITION

- 1. E-mail communications may be records. Any e-mail communication that meets the definition of a “public record” shall be preserved in accordance with this policy and the records retention and disposition, as approved from time to time by the State Department of Archives.

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ELECTRONIC MAIL (E-MAIL) AND INTERNET POLICY

2. You are responsible for saving the e-mail record and any attachments if you are (a) the sender of the message or (b) the person receiving an e-mail record from a source outside the City. The sender includes the person who sent the original message, the sender of a response and the person forwarding a message with comment. Employees who transmit e-mail shall determine whether to preserve or delete the e-mail communication as follows:
 - a. Routine e-mail, communications of a transitory value, may be deleted after being read and after the required action is taken, subject to the limitations set forth in paragraphs 3, 4, and 5 below.
 - b. Communications that meet the definition of a “public record” transmitted on the City’s electronic mail system, or received from outside the City, through the City’s electronic mail system, shall either be printed and preserved in the appropriate file, in permanent paper format or, shall be preserved, unedited, in the employee’s or public official’s e-mail system without printing. in a manner that will enable it to be easily retrieved upon request. With every communication that qualifies as a “public record”, the sender shall, , ensure that the following information is included and preserved
 - 1) The time and date the message was sent and received.
 - 2) The complete sender and receiver identification.
 - 3) An accurate description of the subject matter of the e-mail and whether or not the e-mail is attorney-client privileged or confidential in the “Subject” section of the e-mail message.
 - 4) The complete message, and any and all attachments to the message. The content of the message, not the medium, determines whether and how long you save it.
3. Examples of e-mail messages that should be saved as a record:
 - a. E-mail discussions with colleagues on how to deal with an issue or case are part of the public record and should be saved.

- b. If documentation is needed for a project, then save the e-mail messages related to the project.

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- c. If you would save and file a message transmitted on paper, you should also save and file it if it is transmitted via e-mail.
4. Examples of e-mail messages that should be deleted:
- a. E-mail messages related to routine phone calls, or routine announcements such as bulletins about social or recreational events can be deleted when you have acted on them.
 - b. If you invite coworkers to a business meeting then the messages should be deleted as soon as they are not needed.
 - c. E-mail messages between you and a supervisor about a memo you are drafting for his signature and the various drafts of the memo itself do not need to be saved. The supervisor should save a copy of the final signed memo.
5. Each department has a Records Management Manual that has a Department of Library and Archives approved Records Disposition schedule. If you have a question about records retention and disposition call the City Clerk's office.
- a. Communications subject to an existing public record request, or to formal discovery in ongoing litigation, will be preserved in the appropriate file or the e-mail system.
 - b. If an e-mail message has been saved in another authorized medium, it may be deleted from the e-mail system.
6. The volume of e-mail received daily builds quickly and can affect e-mail system performance. Employees should practice good file management by regularly deleting routine e-mails when their value has been served, and consider printing a paper copy of records to retain for the length of time required for that record series, as noted in the City of Sedona's Records Management Manual.
7. Records saved in the e-mail system should be organized by topic within folders inside the employees e-mail cabinet, in which folders are named appropriately to clearly describe the contents.

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8. The Information Systems Division is responsible for a weekly backup of the data of the entire e-mail system, in accordance with the following procedures:
 - a. The system administrator will structure the e-mail system so that all City users will not be able to permanently delete e-mails that are moved to the “trash” folder on their individual systems. E-mails in the “Trash” folder will be deleted monthly by the System Administrator in accordance with the procedure set forth below.
 - b. Full data backups of the e-mail system server will be performed weekly. Each of these weekly backups will be maintained for a period of four weeks.
 - c. On the first weekend of every month, the complete e-mail system backup, as required in paragraph b. above, will be made and preserved for a period of three years. This is to insure that no e-mail that is to be preserved for at least three years under the City’s retention policy is inadvertently deleted. Following the successful completion of this monthly system backup, the system administrator will delete all e-mail placed in every City user’s “trash” during the preceding month.

G. SPAM MANAGEMENT

1. The City of Sedona may use e-mail filtering, blocking, and or management software to limit, minimize, and/or delete e-mail messages that are not in accordance with the City’s E-mail and Internet policy. Examples of e-mail messages that may be filtered or blocked include:
 - Messages that are obscene in nature
 - Messages that are personal and are not relevant to business conducted at the City of Sedona
 - Messages that have a blank subject line
 - Messages that are from a randomly generated address
 - Messages that have content that is randomly generated
 - Messages that do not have a message body
 - Messages that have an attachment that may contain a virus
 - Messages that have embedded HTML comments

2. The rules for filtering and blocking messages are centralized through software. However, all employees are responsible for managing the release of all and/or any messages that have been filtered or blocked by the software. The software provides a

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method for employees to perform release messages from the software directly and unreleased messages will be deleted from the City's system after a specified number of days.

3. The City is not responsible for any personal messages that are blocked and/or deleted in accordance to these policy guidelines.

H. GENERAL POLICY STATEMENT FOR INTERNET USE GUIDELINES

1. Access to the Internet is provided to City employees for the primary purpose of conducting official City business. Employees should use the Internet to accomplish job responsibilities more effectively. The Internet may not be used for prohibited purposes, such as but not limited to, conducting private business, political campaigning, any illegal uses, or any actions listed in Section 2: Unacceptable Use. Personal use of the Internet should not have any cost to the City, be excessive in time, or interfere with an employee or co-worker's work. Employee e-mail addresses are not to be used during personal Internet usage.
2. Certain features of the Internet can clog the City's network and e-mail system, and should be used strictly for work-related purposes, such as:
 - a. Subscriptions to a listserv. In order for an employee to join a work related listserv, the employee must gain permission from his or her supervisor. Then, the Information Systems division must be notified

in writing with the e-mail address, web address, and purpose of the listserv in order to ensure delivery of listserv e-mail.
 - b. Streaming media, which uses a large amount of bandwidth (for example, Internet Radio).
3. Use of the Internet is a privilege and not a right. Users should be aware that monitoring of Internet usage, including sites visited, occurs without user consent or prior notice on a regular basis. If inappropriate use is determined, the City may deny, revoke, or suspend Internet access to any user at any time.

a. EXAMPLES of ACCEPTABLE USE

- 1) Acceptable Internet use includes the following:

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ELECTRONIC MAIL (E-MAIL) AND INTERNET POLICY

- a) Communications and information exchanges directly relating mission, goals and work tasks of the City.
- b) Use for advisory, standards, research, analysis, professional society or development activities related to the user's job duties and responsibilities.
- c) Official legal or law enforcement investigations.
- d) Those specifically instructed by supervisors

b. **EXAMPLES of UNACCEPTABLE USE**

- 1) It is unacceptable for an Internet user to view, submit, publish, display, or transmit on the network, or any agency computer system, any unauthorized information that:
 - a) Violates or infringes on the rights of any other person.
 - b) Contains defamatory, false, abusive, obscene, pornographic, profane, sexually oriented, threatening, racially offensive, or otherwise biased, discriminatory, or illegal material.
 - c) Violates any applicable, including federal, state and agency, regulations prohibiting sexual harassment.
 - d) Uses the system for any illegal purpose.
- 2) It is also unacceptable use of the Internet or City e-mail address to:
 - a) Conduct personal or unapproved business, or personal business transactions.
 - b) Solicit any activity prohibited by law.
 - c) Transmit material, information, or software in violation of any law.
 - d) Conduct any political activity.

- e) Conduct any gambling, betting or gaming activity.

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- f) Conduct any activity for personal gain.
- g) Make unauthorized purchases.
- h) Download software or browser plug-ins without obtaining pre-authorization from the Information Systems Division.

c. **PERSONAL RESPONSIBILITY**

- 1) Some Internet sites routinely keep logs of who visits their website. Individual users must be aware of and at all times attempt to prevent potential City liability in their use of the Internet. For that reason, all Internet communication, wherein the employee is expressing a personal opinion and which does not reflect the official position of the City or department, must include the following disclaimer: "The opinions expressed here are my own and do not necessarily represent those of the City of Sedona."
- 2) Employees should be aware that there is a wide variety of information on the Internet. Some individuals may find some information on the Internet offensive or otherwise objectionable. Individual users should be aware that the City has no control over and can therefore not be responsible for the content of information available on the Internet.

d. **RECORDS RETENTION**

The same policy for retention of records, set forth in the City of Sedona E-mail and Internet Policy, shall apply to all records obtained or received via the Internet. City employees who transmit or receive material via the Internet shall determine whether to preserve or delete the material and communications consistent with the records retention schedule and records retention policy of their department.

e. **COPYRIGHTED MATERIAL**

- 1) All communications and information accessible via the Internet should be assumed to be private property. Internet users shall

honor copyright laws including those protecting software and intellectual property.

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- a) Duplicating, transmitting, or using software not in compliance with software license agreements is considered copyright infringement.
- b) Users shall not make copies of software or literature without authorization and the full legal right to do so.
- c) Unauthorized use of copyrighted materials, or another person's original writings, is considered copyright infringement.
- d) Internet users shall not transmit copyrighted materials, belonging to others, over the Internet without permission.
- e) If the agency permits, users may download copyrighted material from the Internet, but its use must conform to the restrictions posted by the author or current copyright law.
- f) Copyrighted information used on websites must be clearly identified as such.

f. **PUBLIC DOMAIN MATERIAL**

Internet users may download public domain materials for business related use. Redistribution of public domain materials is done so with the assumption of all risks regarding the determination of whether or not the materials are in the public domain. Any redistribution of public domain materials is strictly limited to non-commercial use.

I. SOFTWARE ACQUISITIONS AND USE

- 1. Information Systems must review, approve, and purchase or acquire all software to be used or installed on City owned computers. Employees who wish to download software or browser plug-ins must obtain authorization from their department head prior to contacting IS.
- 2. No games other than the standard ones supplied with Windows will be approved for purchase or installation.

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ELECTRONIC MAIL (E-MAIL) AND INTERNET POLICY

3. A valid license or shareware documentation must be held for all software. Illegal duplication of software will not be allowed.
4. Only Information Systems personnel or an approved alternate may install software. It is the responsibility of Information Systems for tracking and recording all software licenses for the City. If shareware products are being used, documentation should certify that the registration fee has been paid or that the software is provided free of charge.

J. HARDWARE USAGE

1. The City's computer systems are a valuable resource, and they should not be abused or wasted. Examples would include excessive use of printer supplies and disk space.
2. Food and beverages can damage a computer, and therefore are prohibited in the immediate computer workstation area. Any other activities that may result in damage to the hardware or software must be avoided.
3. Employees are responsible for periodically reviewing files and removing those that are unnecessary or obsolete.
4. All screen savers and background should be professional and not display any offensive messages.

*For Purchasing, please see the City of Sedona's Purchasing Manual

K. REGULATION AND ENFORCEMENT

Department heads (or their designee) shall be responsible for agency compliance with the provisions of this policy and for investigating suspected non-compliance. Violation of any element of this policy may result in disciplinary action, which will follow the guidelines of the Employee Manual.

RULE 9

COUNCIL MEMBER CONDUCT

A. Inappropriate Action/Behavior of the City Council:

1. A Council member may not use City staff or letterhead to support personal or non-City functions or fundraisers without first obtaining the permission of the City Council.
2. Council members shall not use their official office as a means of advancing personal opinions through public statements whereby an inference can be drawn that they are speaking on behalf of the City. Any such public statements shall contain clear language indicating that such statements are the opinions and comments of the individual and are not necessarily the position of the City of Sedona.

B. City Council members who fail to follow these rules of procedure are subject to both private reprimand and formal censure. It is at the discretion of the Mayor to initiate action if a Council member's behavior is called into question by another Council member. When this occurs, the Mayor will discuss the inappropriate behavior with the concerned Council member whose misbehavior is being questioned and may issue a private reprimand. If the Mayor is the individual whose actions are being questioned, the same procedure will be followed after a Council member expresses a concern to the Vice Mayor.

C. If, after a second private reprimand concerning the same behavior, and the misconduct continues, the matter shall be referred to the City Council to consider whether a public censure is appropriate. Any public censure for violation of these rules of procedure can only be had upon a super majority vote of the entire City Council.

RULE 10

TRAVEL POLICY FOR COUNCIL MEMBERS

A. **Introduction:**

The City of Sedona provides its Council members with adequate accommodations when traveling on City business, while maintaining an obligation for reasonable use of public funds. The procedures contained herein are designed to provide guidelines for appropriate use of such funds. (Refer to the Purchasing Policy for further rules)

B. **Travel Authorization:**

Each Council member has the primary responsibility to ensure validity of travel, and that all expenses are properly documented and correctly incurred within the guidelines of the City's travel policy. Management is also responsible for providing/communicating City travel guidelines to Council members.

C. **Eligible Expenditures:**

All expenses for travel, hotels, mileage, telephone, etc. must be accompanied, where applicable, by receipts which are to be attached to expense forms provided by the City Clerk. These expense forms must be submitted by the 15th of the month in order to be paid during the current month. Receipts older than 120 days will not be paid.

Generally, eligible expenditures include travel and living costs incurred by the Council Member while away from the City, and expenses incurred within the City necessitated by City business. If a spouse, friend or any one not employed by the City, accompanies a Council member the other person's expenses are not covered.

Council members must complete and sign an Approval for Training/Conference/Travel Expense form, as required in Paragraph I of this Rule, prior to their intended travel. Include a copy of the conference/registration form and supporting documentation indicating the purpose/business nature of the trip. The form will be reviewed by the City Manager and Finance Manager prior to payment.

Eligibility for purchasing card charges and expense reimbursement will be based on the following conditions:

1. **Registration:**

The actual cost of registration of any Council member at a meeting, conference, or convention for which is specifically for City business is an eligible expense.

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TRAVEL POLICY FOR COUNCIL MEMBERS

Receipts must be submitted for reimbursement, or accompany the credit card billing statement if paid with City purchasing card. If a check is needed, the request must be submitted at least two weeks in advance of the deadline for registration to the Finance Department so that it will be processed with the regular accounts payable procedures.

2. Air Travel:

- a. Air coach transportation will be considered standard for out-of-state travel. All airfare arrangements must be made by the traveler or a department representative. Since travel agents charge varying "ticketing fees" it is suggested that travelers look for an agent that offers low fares and reduced fees.
- b. In some cases, the lower airfare may require the traveler to endure a connecting flight or slightly longer layover between flights. Travelers are encouraged to attempt this whenever it makes business sense and helps to contain expenses.
- c. Travelers are expected to make travel arrangements in advance (at least 21 days prior to travel) to take advantage of less expensive flight options. Waiting until the last minute becomes extremely costly to the City. Travel arrangements made less than 21 days in advance should be supported by an explanation as to the business necessity for last minute travel arrangements.
- d. Criteria for flight selection must always be based on the lowest-priced airfare rather than the opportunity for personal benefit of the traveler. A Council member must check a minimum of two airline quotes to ensure the best rate. Council member should maintain documentation supporting the airline and flight chosen was procured using the best possible rate to the City (using a 21 day advance, coach fare, non-refundable ticket).
- e. When a traveler makes personal stops enroute to a business destination point, the traveler will only be reimbursed for the round-trip coach fare from Phoenix to the business destination point.

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TRAVEL POLICY FOR COUNCIL MEMBERS

3. **Lodging:**

All hotel arrangements must be made by the Council member traveling or the appropriate department representative. It is suggested that Council member try to make arrangements to stay at a hotel that is close to the business meeting or training facility. It is even possible, in a lot of instances, to stay in the hotel where the event is taking place. This will reduce the need for a rental car or other ground transportation expenses.

When making the room reservation, travelers should also inquire about a government room discount rate and the event's discount rate and select the lesser of the two.

4. **Meals and Incidentals:**

a. Meals for City Council, boards, commissions and staff conducting formal City business during meal times are specifically authorized. While traveling, individuals must submit detailed receipts (not a summary that only shows the total) for all reasonable meals and incidentals incurred. No alcohol, tobacco, reading material, personal items, etc. may be included. Gratuity may not exceed 20% of the total bill.

b. Except for lodging where individuals share the same room or transportation conveyance (cab, rental car, etc.), each individual seeking reimbursement must incur his own expense and seek individual reimbursement. The only exceptions are group meals arranged for working sessions or banquets arranged by a department.

c. In the case of group meals, each Council member does not have to be broken out separately.

5. **Ground Transportation:**

a. It is the traveler's responsibility to use the most economical means for ground transportation and parking in order to maintain control over the departmental travel budget.

b. In most cases, it is more reasonable to take a taxi, public transportation, or hotel transportation instead of renting a car. Travelers should also check ahead to see if a shuttle service is available for airport pick-up to conference or seminar locations.

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TRAVEL POLICY FOR COUNCIL MEMBERS

6. **Personal Auto Usage:**

- a. Travelers will be reimbursed for use of their personal vehicle for City business only if a City vehicle is not available and the travel is greater than 10 miles outside of the City limits. However, if the absence is to be more than 3 days, a City vehicle may not be used. The mileage reimbursement rate will be updated periodically in accordance with the approved IRS guidelines. To find out what the current reimbursable rate is contact

Financial Services. The origination and destination of the trip, total number of miles, and odometer reading must be indicated on the Standard Expense Voucher.

- b. Though a personal vehicle may be used in lieu of air travel, only the lesser of the mileage reimbursement or airfare, rental car, and parking will be paid.

D. **City Pool Vehicle:**

1. Vehicles shall be used for City of Sedona business only. All travel for City business shall be in City vehicles. City pool vehicle(s) shall be available to all on a first come first serve basis. "Pool Vehicle" is defined as a vehicle, which is not designated to a specific department. Pool vehicle(s) may be used for in town or out of town City business not to extend beyond a 3 working day period without written approval of the City Manager.
2. Passengers shall not be permitted in City vehicles unless such passengers are in the vehicle in regard to official City business or serve as City officials. A spouse or other family member may accompany the City official on City related business, however, only the City Official may operate the City vehicle.
3. All operators of City vehicles shall possess a valid Arizona driver's license and show proof of valid automobile insurance.
4. Vehicles shall be operated in a safe and responsible manner at all times. All drivers and passengers shall wear seat belts at all times.

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E. **Accident Forms:**

1. In the event of an accident, Council member are required to complete an Accident Form and an Incident Report. Accident Forms are located in each City vehicle. Incident Reports can be obtained from the Legal Department. Both forms are used to provide information about the incident and are required by the insurance company. Report this information to the Legal Department at the earliest possible time (928-204-7200).
2. Damage to a traveler's personal vehicle that was used while on City business is a non-reimbursable City expense.

F. **Rental Cars:**

1. Most transportation needs are met through air travel, taxi, personal vehicles, or motor pool vehicles.
2. Conferences and seminars usually do not require attendees to do extensive driving during the event. However, should the need for a rental car arise, the Council member should base the quote on an intermediate size car.
3. In addition to the 24-hour base rate, other items to ask about include:
 - a. Mileage costs, if any
 - b. Hourly pro-rata cost beyond the 24-hour period
 - c. Availability of grace periods (many agencies will allow up to 59 minutes grace, no charge use beyond the 24 hour period).
 - d. Any special or discount rates available
4. Non-City Council member (guests) are not permitted to use/drive a City rented vehicle

G. **Non-Reimbursable Expenditures:**

The following expenditures are considered personal, not directly related to business travel, and therefore non-reimbursable. If any of the following expenses are inadvertently paid for by the City the Council member, Councilor, or Commissioner must reimburse the City for the expense.

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1. This is not meant to be an all-inclusive list.
 - a. Beauty parlor or barber
 - b. Personal entertainment, social events, sporting events, golf, movies, etc. including those at a business conference,
 - c. Liquor,
 - d. Theft, loss, or damage to personal property,
 - e. Personal postage, reading materials, or phone calls,
 - f. Personal toiletry articles,
 - g. Fines or penalties for parking or traffic violations,
 - h. Hotel charges for failure to notify and/or cancel reservations,
 - i. Valet parking and services.

H. Purchasing Cards:

With pre-approval of the Mayor a City Council person will be issued a purchasing card. Purchasing cards should be used for payment of travel, lodging, registration, and meal approval in attending training classes or conferences.

I. Approval for Training/Conference/Travel Expense Form (Pre-trip paperwork):

This form is required in all cases where a City Council member will be traveling or attending a workshop, seminar or conference. This form is available on the network by opening Word and clicking on File/New/Finance/Training.

1. Fill out the entire upper portion of the Approval for Training/Conference/Travel Expense form. Include items to be purchased using a City purchasing card. For prepayment of registration, lodging, the bottom section of the form must be completed.

The form must be completed with all appropriate signatures and received by the Finance Department no less than seven days prior to the check pick up date.

2. Turn in the Training/(Conference/Travel Expense form to Accounting along with all supporting documentation of the program to be attended. A copy of this form should be printed onto pink paper before submitting to Finance.

There may be cases where approved travel is canceled, or the Council member(s) attending changes due to emergencies.

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J. **Standard Expense Voucher (Post-trip paperwork):**

This form is used to report reimbursable expenses such as mileage, meals, lodging, and any other expenses paid out of pocket. Receipts must be attached to the Standard Expense

Voucher. Do not include City purchasing card charges. These charges will be accounted for on your monthly statement. This form is available on the network by opening Word and clicking on File/New/Finance/Expense.

ADDENDUM 1

SPECIAL EVENTS LIQUOR LICENSE PERMIT POLICY

- A. This policy is intended to govern decisions made by the Sedona City Council in approving Special Event Liquor Licenses which are ultimately issued by the Arizona Department of Liquor Licenses pursuant to A.R.S. §4-203.02. As this statute indicates, the Director of the Department of Liquor Licenses and Control may, subject to the Approval of the City Council, issue a special events liquor license on a temporary basis for the sale of spirituous liquor for consumption on the premises where sold, or for a charitable wine auction for the sale of vintage wines for consumption off premises.
- B. The provisions of A.R.S. §4-203-02 also require that a special event license may only be issued to a political party or campaign committee supporting a candidate for public office or a ballot measure, an organization formed for a specific charitable or civic purpose, a fraternal organization in existence for over five years with a regular membership or a religious organization.
- C. Additional criteria of the City of Sedona for issuance of any special event liquor license will include, but not necessarily be limited to the following:
 - 1. Any organization seeking an interim license must be located within the Sedona City Limits and be operated primarily for the benefit of Sedona residences.
 - 2. As a part of its application submission, the applicant shall submit, in writing, proof that it has disclosed the proposed event to the two closest holders of liquor licenses to the event site.
 - 3. The applicant agrees to comply with all the requirements of the State of Arizona for the granting of a special event license.
 - 4. The application must be reviewed by the City of Sedona Police Department and the Sedona Code Enforcement Officer. The recommendations concerning approval or denial by these entities will be given great weight by the City Council in its decision.
 - 5. The applicant shall sign an agreement with the City whereby it agrees to fully indemnify and hold harmless the City of Sedona and any of its officers or employees against any liability for loss or damage incurred either within or without the City limits and resulting from the negligent serving of spirituous liquor by the applicant, his agents or his employees.

ADDENDUM 1

SPECIAL EVENTS LIQUOR LICENSE PERMIT POLICY

6. The applicant shall name the City of Sedona as an additional insured in a liability policy that provides coverage in a minimum amount of \$1,000,000.00 in order to indemnify the City.
 7. Security and monitoring requirements will be reviewed and established by City staff and strictly enforced.
 8. The applicant must be located within the City of Sedona, and the event must be sponsored to benefit local organizations.
 9. Participation in the event must be through advance ticket sales or by purchasing an advance ticket at the door.
- D. These criteria constitute minimum requirements for approval of any application for a special event liquor license. The City Council may consider other factors and concerns in making its ultimate decision including but not limited to the propose or event that the license is to be used for; the applicant and/or group applying for the license; the geographical area where the event is to be held; and the applicant's ability to monitor and control these events in accordance with current state laws and City ordinances.